UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,956	08/21/2001	Ramesh R. Sarukkai	085804-720801	7521

76058 7590 06/22/2010	EXAMINER	
YAHOO! INC. C/O GREENBERG TRAURIG, LLP	WOZNIAK, JAMES S	
MET LIFE BUILDING		
200 PARK AVENUE	ART UNIT	PAPER NUMBER
NEW YORK, NY 10166	2626	

NOTIFICATION DATE	DELIVERY MODE
06/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/933,956	SARUKKAI, RAMESH R.
	Examiner	Art Unit	
	JAMES S. WOZNIAK	2626	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 March 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>34-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>34-43</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>21 August 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.　　　In response to the office action from 12/9/2009, the applicant has submitted a Request for

Continued Examination (RCE), filed 3/8/2010, arguing to traverse the art rejection based on the

limitations regarding a prompt mapping and prompt audio object *(Amendment, Pages 7-9)*.

Applicant's arguments have been fully considered, however the previous rejection is maintained

due to the reasons listed below in the response to arguments.

Response to Arguments

2.　　　Applicant's arguments have been fully considered but they are not persuasive for the

following reasons:

　　　The applicant traverses the art rejection of independent claims 34, 35, 41, and 42 under

35 U.S.C. 103(a) over Ladd et al *(U.S. Patent: 6,269,336)* in view of Malsheen et al *(U.S.

Patent: 5,634,084)* for several reasons.　The first reason is that the applicant alleges that neither

Ladd nor Malsheen teaches prompt classes because Ladd only teaches prompts that are presented

to a user and Malsheen features a table that does not include prompt classes *(Amendment, Pages

7-8)*.

　　　In response, the examiner maintains that Malsheen does teach prompt classes.　More

specifically, Malsheen's system relates to audio prompts in that it reads out text-based

"messages" to a user in a spoken format *(Col. 3, Line 65- Col. 4, Line 16)*. In the case of Ladd,

text messages to be read to a user are explicitly noted as being in the form of system prompts in a

VoiceHTML script *(Col. 16, Lines 41-57; Col. 18, Lines 33-39; Col. 29, Lines 36-57)* and

correspond to various interactive voice applications *(Col. 2, Lines 48-58)*. Returning to

Malsheen, his invention discloses that text segments (or prompts to be read aloud to a user as in

Ladd) belong to one of several "classification values" *(Col. 7, Lines 4-16; Abstract; and "Qual"*

in Table 1). It is also important to note that Malsheen further assigns class values based on a

specific "domain" or "application" *(Col. 4, Lines 52-62)*. As Malsheen teaches text to be read

out to a user as explicitly having a "classification" for different applications/domains/types and

Ladd teaches such various applications having audio prompts to be synthesized to a user, the

combination of the prior art references teaches prompt classes as is recited in the applicant's

claimed invention.

   Although Malsheen's table does, as the applicant suggests, provide expansion

possibilities for abbreviations, this argument does not differentiate the applicant's invention from

the prior art because the table relies on the aforementioned prompt classifications or classes to

actually determine what is to be spoken by the system *(Col. 4, Lines 52-62 and Col. 7, Lines 4-*

16). The applicant's invention operates similarly by using a prompt class to expand a text string

in the form of an abbreviation *(see the "NHL" example illustrated in Fig. 9 of the specification)*.

Therefore, the applicant's first argument has been fully considered, but is not convincing.

   Next, the applicant argues that the prior art of record fails to teach a prompt audio object

that adapts the system processor to use context information to determine and search within a

prompt class for a matching string because they allege that Ladd does not use contextual

information or teach prompt classes and Malsheen only teaches word classes in an abbreviation

table *(Amendment, Pages 8-9)*.

        In response, the examiner first notes that Ladd teaches maintaining a browser context or

state in prompt determination (Col. 10, Lines 13-21; Col. 16, Lines 41-57; Col. 18, Lines 12-32;

Col. 18, Lines 33-44; and Col. 29, Lines 36-57). In Ladd's multi-application environment,

however, there are similar strings which could result in different readings thereof *(Col. 18, Lines

56-65)*. Malsheen also relies on contextual information in spoken message selection *(Col. 10,

Lines 25-62)* and searches within the different prompt classes described above to determine a

most appropriate spoken message *(Col. 4, Lines 52-62; Col. 7, Lines 4-36)*. Thus, since Ladd

and Malsheen both teach the use of context information and Malsheen searches within a

classification to determine a most appropriate speech output, this argument has been fully

considered, but is not convincing.

        The applicant lastly argues that the classes defined by Malsheen are not prompt classes

(Amendment, Page 9). The examiner respectfully disagrees with this interpretation of the

teachings of Malsheen for two reasons. First, the applicant's claimed prompt classes are merely a

general class, while the applicant's arguments seem to indicate a topic-based prompt class which

is not claimed. It is noted that Malsheen specifically refers to the text/word information as being

a "classification" *(Col. 5, Lines 30-50)* and thus reads upon the applicant's claimed "prompt

class" when taken in combination with the teachings of Ladd. Secondly, even if such a prompt

class for searching was claimed or the presently claimed prompt class could be interpreted as

such, the examiner notes that Malsheen teaches application/domain specific prompt classes to

restrict a text search for speech synthesis *(Col. 4, Lines 52-62)*. Thus, this further argument has

been fully considered, but is not convincing.

The applicant traverses the art rejections of the dependent claims for reasons similar to

the independent claims *(Amendment, Pages 9-10)*. In regards to such arguments, see the

response directed towards the independent claims.

Claim Objections

3.   **Claims 38-41** are objected to because of the following informalities:

Independent claims 38 and 41 recite a computer-readable medium "comprising"

instructions. It is unclear how a medium would "comprise instructions". Rather these

instructions should be -stored- or –encoded- upon the medium. Dependent claims 39-40 also fail

to overcome this objection, and thus, are objected to due to minor informalities by virtue of their

dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 34-35, 37-38, and 40-43** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ladd et al *(U.S. Patent: 6,269,336)* in view of Malsheen et al *(U.S. Patent:*

5,634,084).

With respect to **Claim 34**, Ladd discloses:

A database referencing a plurality of audio segments, each audio segment of the plurality

associated with an identifier that uniquely identifies that audio segment *(TTS audio file database,*

each audio file having a unique identifier, Col. 10, Line 58- Col. 11, Line 11; Col. 18, Lines 33-

44, and Col. 29, Lines 36-57);

A prompt mapping configuration comprising a plurality of prompt classes, text strings,

and a one-to-one association between each text string and a corresponding audio segment

identifier *(mapping of prompts for various classes and text strings, wherein there is a one-to-one*

association between the audio prompt files and the text strings, Col. 18, Lines 33-44; Col. 29,

Lines 36-57);

A prompt audio object is configured to use the contextual information from the voice

browser to determine a prompt class to match a text string form the document received by the

voice browser to an audio file *(browser context or state is utilized in determining which prompt,*

corresponding to a text string, is to be played, Col. 10, Lines 13-21; Col. 16, Lines 41-57; Col.

18, Lines 12-32; Col. 18, Lines 33-44; and Col. 29, Lines 36-57), wherein the match, through the

association of text string occurrences to audio segment identifiers results in identification of an

audio segment identifier associated with the text string occurrence, and to cause rendering of an

audio segment, referenced in the database, that is identified by the audio segment identifier *(generating specific audio prompts based on XML mapping and user voice browser inputs, Col. 10, Line 58- Col. 11, Line 11; Col. 17, Line 61- Col. 18, Line 44; Col. 37, Line 8- Col. 40, Line 24; Col. 29, Lines 36-57)*.

Also, Ladd additionally teaches method implementation using a computer processor *(Col. 6, Line 65- Col. 7, Line 17)* that would inherently require some type of instruction memory to enable instruction storage.

Although Ladd teaches a voice browser system that is capable of generating an audio prompt based on a voice browser user input context for a plurality of the contexts *(Col. 2, Lines 48-58; and Col. 18, Lines 56-65)* and utilizes a prompt mapping configuration, Ladd does not explicitly teach a prompt mapping configuration having a plurality of occurrences of the same text strings, wherein each of the occurrences of each text string are associated with a prompt class and corresponding audio segment identifier *(i.e., one-to-one association)*, which is different from the other occurrences of that text string and a matching processes to identify an audio segment identifier matching the string occurrence within a prompt class. Malsheen, however, discloses such a mapping configuration. First, Malsheen discloses a speech output abbreviations translation table *(Fig. 1, Element 146)*. This table features a plurality of speech prompt classes *(type classification, Col. 7, Lines 4-16; Abstract; and "Qual" in Table 1)*. This table maps a single instance of a text string to multiple possible occurrences/expansions in each of the different classes *(see examples in Col. 9, Lines 30-60; Col. 10, Lines 25-62; and Table 1)*. Each possible expansion occurrence in turn maps to a particular audio signal to be generated at a text-to-speech converter *(Col. 4, Lines 6-16; and Col. 12, Line 30-39)*.

With response to the claimed prompt audio object means/step, Malsheen teaches that a text in a document is processed to generate a classification based on a neighboring context *(Abstract; Col. 3, Lines 6-16; Col. 9, Lines 25-60; and Col. 10, Lines 25-62)*. Malsheen's invention also tries to identify a matching expansion occurrence within the classification category to further determine a corresponding audio output to be generated via speech synthesis *(Abstract, Col. 3, Lines 6-16, Col. 4, Lines 6-16; Col. 9, Lines 25-60, and Col. 10, Lines 25-62)*.

Ladd and Malsheen are analogous art because they are from a similar field of endeavor in speech synthesis. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Ladd with the classification-based speech synthesis taught by Malsheen in order to provide the proper human pronunciation of words that would not be properly spoken by a convention text-to-speech converter *(Malsheen, Col. 2, Lines 53-60)*.

Claim 35 recites a method performed by the system recited in claim 34, which is taught above by the combination of Ladd and Malsheen, and as such, is rejected under similar rationale.

With respect to **Claim 37**, Ladd further discloses:

The association of audio segment identifiers with the reference text strings is specified in a markup language *(prompt is associated with an identifier in VoiceHTML, Col. 18, Lines 33-44; and Col. 29, Lines 36-57)*.

Claim 38 contains subject matter similar in scope to claim 35, and thus, is rejected under similar rationale. Also, Ladd discloses method implementation as a program stored on a computer readable medium *(Col. 6, Line 65- Col. 7, Line 17)*.

Claim 40 contains subject matter similar in scope to claim 37, and thus, is rejected under similar rationale.

Claim 41 contains subject matter similar in scope to claim 38, and thus, is rejected under

similar rationale. Also, Ladd additionally teaches various browser contexts (Col. 2, Lines 48-58;

Col. 18, Lines 12-65), while Malsheen discloses the multiple prompt classes *(Table 1, "Qual")*.

Claim 42 contains subject matter similar in scope to claims 34 and 38, and thus, is

rejected under similar rationale. Also, Ladd additionally teaches method implementation using a

computer processor *(Col. 6, Line 65- Col. 7, Line 17)* that would inherently require some type of

instruction memory to enable instruction storage.

With respect to **Claim 43**, Ladd further discloses a VoiceHTML document *(Col. 18,*

Lines 33-44; and Col. 29, Lines 36-5; Col. 12, Lines 25-27).

6.   **Claims 36 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd

et al in view of Malsheen et al and further in view of Saylor et al *(U.S. Patent: 6,501,832)*.

With respect to **Claim 36**, Ladd in view of Malsheen discloses the method for context-

based audio prompts in a voice browser, as applied to Claim 35. Ladd in view of Malsheen does

not specifically suggest additionally selecting an audio advertisement to render based on

contextual information, however, Saylor discloses voice advertisement elements indexed to a

particular pertinent voice page context *(Col. 14, Lines 46-62; Col. 18, Lines 46-65; Col. 27,*

Lines 33-56; Col. 36, Line 48- Col. 37, Line 3; and example of indexed voice ad, Col. 38, Line

33- Col. 39, Line 12).

Ladd, Malsheen, and Saylor are analogous art because they are from a similar field of

endeavor in speech synthesis systems. Thus, it would have been obvious to a person of ordinary

skill in the art, at the time of invention, to modify the teachings of Ladd in view of Malsheen

with the voice ads taught by Saylor in order to provide a means for revenue generation for voice page providers *(Saylor, Col. 7, Lines 19-24)*.

   Claim 39 contains subject matter similar to claim 36, and thus, is rejected under similar rationale.

<p align="center">***Conclusion***</p>

7.   All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632.

The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached at (571) 272-7602. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
Primary Examiner, Art Unit 2626